1951

Agri. Pests of
File No. Diseases II
51(R)
Legal Department
B BRANCH

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Subject:—

Rules under the Bombay Agricultural Pests & Diseases Act, 1947.

P3/E

File No. Agri. Pests of Diseases II
51(R)

Gen. 194 e.

705 B

Office of the R.L.A.

In place of the draft rules at pages 21-31 ante revised draft rules are sent herewith.

2. A. and F.D. draft rule 3.- This rule provides that notice under section 5 shall be served on the person in a manner laid down in sub-section (2) of section 12B of the Act. Sub-section (2) of section 12B describes the manner of serving notice in sub-clauses (a), (b) and (c). Itwill be clear from sub-clause (c) that the manner of serving notice under it should be resorted to only if the ownership of the vehicle to be requisitioned is in dispute. It cannot apply to a notice to be given for the purpose of entering upon a land or premises. The said rule has accordingly been amended by omittingthe reference to sub-clause (c).

3. A. and F.D. draft rule 6 (revised rule 5).- Clause (e) of the said rule refers to the actual value of the plant, tree or other produce. This rule is relatable to section 11(2) of the Act. That section contemplates that the Assessor is to fix the amount of compensation due to the occupier. It is not clear how he is to take into consideration the actual value of the plant, tree, or other produce which in fact he has to assess in view of what is stated in clauses (a) to (d) of this rule. Clause (e) of the rule has, therefore, been revised.

4. SCHEDULE I.- Revised rule 8(1) provides that a proclamation under section 12(1)(a) shall be issued in Form I. Merely reproducing the words of the section would not convey any idea to the public as to what sort of general assistance is to be given in carrying out preventive or remedial measures and in the destruction of locusts. In order to give a correct idea to the people, the nature of such general assistance should be specified in the proclamation at the end so that people would know what they are actually to di in case of the invasion of locusts in their areas.

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5. Revised rule 8(2) provide that a proclamation under section 12A (1)(b) shall be issued in Form II, and at the end of Form II as drafted by A. and F.D. it is stated that the person shall render such service and for such time as may be required by them. The section contemplates that the Collector or the Officer appointed by him is to tell people who have presented themselves before such officer what sort of duties each one of them individually or collectively, has to perform in pursuance of the proclamation. It is presumed that such duties will be allotted by the Collector or the officer appointed by him and will be communicated in writing or otherwise to the person concerned. Form II accordingly provides.

6. Revised rule 8(3) provides that an order for requisitioning a vehicle shall be issued in Form III, In the preamble to A. and F.D. draft Form III it is stated "whereas I am also satisfied that you have employed .....for driving the said vehicle", and further on it is provided "I further call upon you to place the services of the said driver at the disposal of the said officer for the purpose of driving the vehicle". This order regarding pressing into services the service of a driver would not be in order in a requisition order to be issued under section 12B. When such classes of persons present themselves to the Collector for taking orders in connection with locust menace the Collector may ask such class of people to do the work of driving motor vehicles and ask them to drive any motor vehicle which is placed at the disposal of the Collector. The reference to the services of the driver has, therefore been deleted from A. and F.D. Form III.

P.T.O

7. It is presumed that no rules have been made so far under section 17 x of the Bombay Agricultural Pests and Diseases Act, 1947. The draft rules require previous publication under sub-section (3) of section 17.

Id/-J.R.D. 19/9

Remembrancer of Legal Affairs.

U.R. to A. and F.D. No. 202-L, dated the 20th September 1951.

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